

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
May 14, 2013

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Zelda Auslander, Council Member
Steve Braasch, Council Member
Bob Dorsett, Council Member
Bill Goodwin., Council Member
Jack McCool, Mayor Pro Tem

City Staff:

Frank Salvato, City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Russell Pancoast, Police Chief
Katie Griffin, Director of Finance
Lindsey Withrow, Director of Community Services
Giancarlo Patino, City Engineer
Stephen Myrick, Building Official
Amy Kelley, Chief Technology Officer

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:03 p.m. on Tuesday, May 14, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Consider approval of a Proclamation recognizing Cheyanna's Champions-4-Children

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Dorsett, to approve the Proclamation recognizing Cheyanna's Champions-4-Children.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin

Voting Nay: None
Absent: None

The motion carried.

Mayor Murphy presented certificates to the Team members and their Athlete Ambassadors.

Citizen Comments

Nell Penridge, 15100 Hamilton Pool Road, requested that the Council issue stop work orders when an ordinance is violated. The Masonwood sewer line construction crew are cutting limbs on the oak trees during the prohibited period. She stated that this action causes oak wilt

Lesli Wood, 13429 Saddleback Pass, encouraged the Council to amend the ordinance to prohibit the Masonwood crew from violating the oak wilt ordinance.

Carroll Killebrew, 5410 Great Divide, commented that not only is Masonwood damaging the trees but they are not removing the limbs that cause the oak wilt. He also spoke on behalf of Kate Grant who would like the council to stop construction activity on the weekends.

Dennis Blackburn, 13000 Spanish Oaks, requested that the volume of music from Little Woodrow's and the Waterloo Restaurants be lowered.

Daniel Myrick, General Counsel for the Shops at the Galleria, stated that he would like to be notified when an item affecting the Shops and tenants is on the agenda. He commented that he has not had any complaints about the noise level other than from Mr. Blackburn. He stated that they have always tried to be good neighbors and that there is not music every weekend. He said that if the Council is going to have this discussion then they should have all of the facts.

Discuss and consider action on the volume of music at outdoor events/venues in Bee Cave.

Mayor Murphy apologized that some of the parties had not been notified about the above agenda item. She stated that the Council and Staff have received some complaints on the noise from different venues.

Council Member Braasch reminded everyone that the Council spent many months on the noise levels of the venues in the City. The measurement of noise taken by the Police Department falls in line with the City's ordinance. He suggested that this item be postponed until all of the interested parties are notified.

Jim Ballard, President of the Spanish Oaks HOA, stated that he has more complaints than just from Mr. Blackburn. He commented that their problem is not the music but the volume and hours of the music. He stated that the complaints stopped because the venues took the winter off.

Maureen Appling, 13105 Roundtop Circle, stated that the noise from the Backyard affected the residents in the Homestead.

Adrian Overstreet, Asset Manager of the Hill Country Galleria, stated that he also has concerts at the amphitheater so he would like to be included in a future discussion.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Auslander, to postpone this item until all parties were notified.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on amending Article 8.03, Outdoor Burning & Fireworks, to authorize outdoor burning under certain conditions.

Tom Myers, 12900 Grubstake Gulch, stated that he was called by the Fire Department about his burn permit being revoked. He asked the Council to amend the ordinance so they could continue to burn their limbs and trash.

Lisa Krach, 13421 Overland Pass, commented that she was speaking for other homeowners and they were asking that their burn permits be granted.

Bonnie Watson, 5116 Avispa Way, commented that she always has had a burn permit. She stated that it would cost her money to have the tree limbs hauled off.

Carroll Killebrew, commented that he likes to use fireworks a few times a year. He commented that the tree limbs left on the ground causes oak wilt.

John Durham, Assistant Chief of the Lake Travis Fire Rescue, spoke about the permit process for burning on private property. He commented that the cause of fires on personal property was wind and unattended fires.

The Council asked Mr. Durham to review the proposed ordinance and comment.

The City Council will continue discussion of this item later in the agenda after Mr. Durham has time to review.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on April 23, 2013.

- B. Consider approval of minutes of the Special Session conducted on May 3, 2013.
- C. Consider approval of the Texas Gas Service 2013 Gas Reliability Infrastructure Program (GRIP) schedules and tariffs as presented to the City of Austin on February 11, 2013.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Auslander, to approve items A and C.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Council Member Braasch asked about an item in the May 3rd minutes regarding the Public Utility Agency.

MOTION: A motion was made by Council Member Braasch, seconded by Mayor Pro Tem McCool, to approve the minutes of May 3, 2013 as amended.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Continue item from above: Discuss and consider action on amending Article 8.03, Outdoor Burning & Fireworks, to authorize outdoor burning under certain conditions.

Mr. Durham suggested a few minor amendments.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Dorsett, to approve Ordinance No. 145 related to outdoor burning with the following amendments: Section 8.03.001 – Controlled Burn – remove reference to one acre or more; under definition of Fireworks change the definition to as defined in the 2006 International Fire Code; Section 8.03.004 (a) remove reference to one acre and the notice to LTFR will be 3 days; and f (2) change wind speed to 15 mph or 13 knots.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Public hearing, discussion and possible action on a replat of the Galleria Townhomes, Phase 1, Lot 17, Block A (located on Galleria Circle) of the Hill Country Galleria amended final plat.

Mayor Murphy called the public hearing to order at 8:00 p.m.

There being no person wishing to make public testimony during this item, the public hearing closed at 8:01 p.m.

Director of Community Services Lindsey Withrow presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Braasch, to approve the replat of the Galleria Townhomes.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Braasch, Dorsett and Goodwin
Voting Nay: Council Member Auslander
Absent: None

The motion carried 4-1.

Discuss and consider action on the preliminary and final plats for Spanish Oaks, Section XI, located off of Spanish Oaks Club Blvd in the City's Extra-Territorial Jurisdiction including approval of fiscal security.

Ms. Withrow presented this item.

Veronica Putney, 13308 Overland Pass, inquired about where the wastewater was going from this development because she thought the system was at capacity. She commented that she had seen semi-trucks hauling off wastewater.

Council Member Goodwin commented that it was being hauled off because there was a breakdown in the equipment not because of the capacity level.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Auslander, to approve the preliminary and final plats for Spanish Oaks, Section XI including approval of fiscal security.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discussion and presentation for the Sonesta Hotel located in the Hill Country Galleria.

Mr. Overstreet made a presentation on a preliminary concept plan for the hotel.

Council was complimentary of the design.

Kara King and Michelle Bliss asked for more integration of the hill country look into the architecture and feel.

The City Council recessed at 8:46 p.m. and reconvened at 8:57 p.m.

Discuss and consider action on an agreement with the Bee Cave Arts Foundation relating to the Sculpture Park.

City Administrator Frank Salvato presented this item. He stated that the City Attorney drafted an agreement regarding funds, maintenance, insurance and liabilities between the Foundation and the City.

Chad Bockius, President of the Arts Foundation, was present to answer questions.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Auslander, to approve the agreement with the Arts Foundation with the following amendments: add an automatic renewal under *Terms*; add the dollar amounts under *Costs*; and add language regarding duplicate liability insurance under *Insurance*.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on a contract amendment with LNV Engineering related to hourly rate charges.

Mr. Salvato presented this item.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve the hourly rate increase for LNV Engineering.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch and Dorsett
Voting Nay: Council Member Goodwin
Absent: None

The motion carried 4-1.

Discuss and consider action on Ordinance No. 144 amending the budget for fiscal year 2012-2013.

Director of Finance Katie Griffin presented this item.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Goodwin, to approve Ordinance No. 144 amending the budget for fiscal year 2012-2013.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on a proposal from LNV Engineering for the 2013 Bee Cave street rehabilitation program for Juniper Trace and the Police Department parking lot.

City Engineer Giancarlo Patino presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Auslander, to postpone this item until the next meeting.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on proposals received for the Bee Cave Central Park trail improvements and relocation of the dog park.

City Administrator Frank Salvato presented this item.

Casey Sledge of Sledge Engineering and Jody Jarrett, Landscape Architect, also spoke on this item.

John Stevens, Chair of the Friends of the Bee Cave Dog Park, was present at the meeting to answer questions.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Braasch, to approve the proposal from Sledge Engineering in the amount of \$46,350 and the proposal with Jarrett Landscape Architect in the amount of \$16,600

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on the beautification of the median along Ladera Boulevard and amendment to license and maintenance agreement with Taylor Morrison.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Braasch, to approve the amendment to the license and maintenance agreement with Taylor Morrison.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action regarding acquisition of primitive park land at Falconhead West.

Don Walden, Developer, gave an update to the Council.

Executive Session

The City Council closed the Open Session at 11:23 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551-072 – Deliberation regarding Real Property and Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. .

- A. Discussion regarding possible acquisition of land for open space or primitive park.
- B. Consultation with Attorney regarding City authority to regulate tree trimming and tree protection.

The City Council closed the Executive Session at 12:16 p.m. and reconvened in Regular Session in the Council Chambers.

Item B in open session:

A motion was made by Council Member Dorsett, seconded by Council Member Auslander, to authorize staff to work with developers to meet the intent of the tree trimming and tree protection ordinance and authorize staff to enforce the current ordinance up to and including filing a lawsuit.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Item A in open session:

A motion was made by Council Member Auslander, seconded by Council Member Dorsett, that Council supports the lease purchase conveyance agreement for the primitive park between the

Economic Development Board, the Falconhead West Partnership and the Falconhead West Homeowners Association and highly encourages a longer term lease arrangement.

Council Member Dorsett commented on the historical value of the property and that the City has an opportunity to preserve a piece of history. It is the original road that took people from Austin through Bee Cave to Marble Falls. It is incumbent upon the City to take all of the steps in the future to try to make that land available to our citizens.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Adjournment

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Dorsett, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

The City Council adjourned the meeting at 12:19 p.m.

PASSED AND APPROVED THIS ____ DAY OF _____, 2013.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary